

ID. Date of interview  
date 12/02/20

ID. Time interview started  
start 11:48:36

ID.end Completion date of interview  
Date 12/02/20

ID.end Time interview ended  
12:07:39

ID. Duration of interview  
time 19.05

new case

ICO consultation on the draft right of access  
guidance

Q1 Does the draft guidance cover the relevant issues about the right of access?

☒ Yes

☐ No

☐ Unsure / don't know

If no or unsure/don't know, what other issues would you like to be covered in it?

Q2 Does the draft guidance contain the right level of detail?

☒ Yes

☐ No

☐ Unsure / don't know

If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

Q3 Does the draft guidance contain enough examples?

☐ Yes

☒ No

☐ Unsure / don't know

If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.

Examples or further clarification suggestions: • requests including confidential references • requests that include negotiations e.g. in an employee disciplinary case. • requests where there is likely to be a lot of third-party data to be redacted e.g. HR employee relation cases. • CCTV requests / how best to meet both the data subject and other individuals' rights. • Clarification on when emails sent by a data subject would become personal data, if the contents of the email were not personal data. Requests are often received for copies of all emails sent to and by the data subject.

Q4 We have found that data protection professionals often struggle with applying and defining 'manifestly unfounded or excessive' subject access requests. We would like to include a wide range of examples from a variety of sectors to help you. Please provide some examples of manifestly unfounded and excessive requests below (if applicable).

As a DPO shared service we are finding it difficult to understand when these may apply. We appreciate each case is different, however feel it would be extremely beneficial to have some more realistic examples available for reference. Examples of manifestly unfounded or excessive we have applied: Data Subject who made a repeated request for information that did not exist. Requests made under complaints, via FOISA and GDPR that we were deemed to be causing harassment and not for the purpose of confirming processing of data was lawful. Refused as manifestly unfounded for causing disruption to the organisation repeatedly for information that did not exist. Decision made based on ICO helpline advice. Example of where we considered a request could potentially be manifestly unfounded and the ICO did not agree: Data Subject made repeated request for information, previously refused in order to protect third party data and due to Police investigation. Data subject writing to the organisation daily, to different staff accusing staff of deliberately editing data being provided to the Police. Example of request where consideration was made to potentially applying manifestly unfounded or excessive: Employee requests all data, including all emails in relation to them. Number of emails returned was vast, with an estimated cost > £7000 to review and redact third party data – we considered this may be potentially excessive. Same data subject was also targeting specific staff members, therefore we were also exploring manifestly unfounded. None of these were applied in the end due to the data subject changing the request

Q5 On a scale of 1-5 how useful is the draft guidance?

		3 –		
1 - Not at all useful	2 – Slightly useful	Moderately useful	4 – Very useful	5 – Extremely useful
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Q6 Why have you given this score?

We found that the guidance was clear and understandable, allowing us to direct other staff to access and use it easily. Benefits of being understandable also for data subjects as it can be helpful for them to understand what organisations are working to.

Q7 To what extent do you agree that the draft guidance is clear and easy to understand?

Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Q8 Please provide any further comments or suggestions you may have about the draft guidance.

Q9 Are you answering as:

- ☐ An individual acting in a private capacity (eg someone providing their views as a member of the public)
- ☐ An individual acting in a professional capacity
- ☒ On behalf of an organisation
- ☐ Other

Please specify the name of your organisation:

HEFESTIS Ltd

What sector are you from:

Higher and Further Education (DPO Shared Service)

Q10 How did you find out about this survey?

- ☐ ICO Twitter account
- ☐ ICO Facebook account
- ☐ ICO LinkedIn account
- ☒ ICO website
- ☐ ICO newsletter
- ☐ ICO staff member
- ☐ Colleague
- ☐ Personal/work Twitter account
- ☐ Personal/work Facebook account
- ☐ Personal/work LinkedIn account
- ☐ Other

If other please specify: